

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.1

DATE: April 3, 2009

ACTION REQUESTED: Information Only: Enforcement Program Update and Statistics

REQUESTED BY: Stacie Berumen, Enforcement Division Chief

BACKGROUND:

PROGRAM UPDATE

Staff

Kathy Hodge has been hired as the new Enforcement Program Manager and she started on February 17, 2009. Ms. Hodge is returning to the Board after working for the another State department as a program manager since 2006 and her BRN experience includes a year and a half as an enforcement case analyst and three and a half years promoting through various positions in the Licensing Unit. She has a variety of work and life experience that she brings back to the Board as well as maintaining an active registered nurse license for over 37 years. She has already hit the ground running and we welcome her back to the Board!

One of our longtime case management analysts, Dawn Kammerer, has accepted the position as Ruth Ann Terry's administrative assistant. She was a highly valued member of the Enforcement team who contributed and led many projects during her eight year tenure. Here are just a few of her many accomplishments while in the Enforcement Program. She built Access databases for Expert Witnesses, Case Management tracking for Nursys, assisted with the database development that downloads the complaint data from Access into the Teale system, coordinator and point person for our highly admired DOI Investigator training program, liaison with Nursys to bring our discipline data reporting into compliance with federal government reporting requirements, worked with staff in the Licensing Unit to develop methods to help make determinations on fraudulent documents, developed many forms still used in Enforcement today, and was a wonderful party planner as well. We take solace in knowing that Dawn is nearby if we need information or assistance. She will be dearly missed in Enforcement but we wish her the best as Ruth's new right hand!

We have filled behind Dawn with another former BRN employee whose previous experience includes Licensing and the Diversion Programs. Lorraine Clarke returned on February 9, 2009. She has been training with the Enforcement case analysts and is picking up and learning her job with lightening speed. She also has a wealth of computer programming knowledge which we will be utilizing to our best ability in the future. We are happy to welcome Lorraine back to the Board!

In Enforcement we have filled two new permanent positions with a former and current BRN employee. We have hired Catherine Alston to fill the Management Services Technician position. This was a promotion for Catt who returned to the BRN on February 11, 2009. We also hired Kami Pratab to fill one of our Staff Services Analyst positions. Kami was an international licensing evaluator in our

Licensing Program. Kami began working in Enforcement on March 2, 2009. Both ladies are very enthusiastic and hard working and are wonderful additions to the unit.

The Budget Change Proposal (BCP) for the Fingerprint and Conviction Question was approved by the Department of Finance and has been included in the recently signed Governor's Budget. We were given a total of 11 positions which includes 5.5 permanent and 4.5 limited term positions which will be utilized in both Enforcement and Probation. Enforcement also submitted a BCP for FY 09/10 for one Management Services Technician which was also approved. We have been interviewing for a number of positions over the last couple of months and will continue to do so until all positions are filled.

Program

Licensees began submitting their fingerprints via Live Scan and hard cards in order to comply with their license renewal requirement if they were licensed before August 1990. The Board has received over 21,000 fingerprint results which include: clearances, rejections for various reasons, and rap sheets. The sheer volume of fingerprint results has been extremely overwhelming for both Renewals and Enforcement staff.

After meeting with the Chief and Deputy Chief of the Division of Investigation (DOI) in December 2008 it was determined that we would begin reviewing BRN cases that have been at DOI for one year or more to determine each case's status. Kathy Hodge, Heidi Goodman, Louise Bailey, and I met with DOI's Deputy Chief, each of the two Area Commanders and the San Diego Supervisor at DOI's Headquarters office in Sacramento on March 4, 2009, to review the pending cases in San Diego. It was very informative for both DOI staff as well as our staff. We made strides in communicating the BRN's case priorities as well as case completion dates. We have scheduled our next meeting for March 23, 2009, and will continue meeting until we have discussed each of the four remaining field office's caseload.

On March 10, 2009, Enforcement staff attended the Department of Consumer Affairs' first Enforcement Forum. The forum provided an overview of the Enforcement process and illustrated best practices from various stakeholders that support the process. It provided an opportunity for our Enforcement staff to network with numerous other Board's and Bureau's Enforcement Program, DOI, the Attorney General's office, Office of Administrative Hearings, and District Attorney's offices.

We are also in the process of reviewing and compiling information for the Enforcement Division's Accomplishments and Goals, including Probation and Diversion, which will be provided at the April 2009 Board Meeting.

STATISTICS

Attached are the Enforcement Program statistics for the first half of the fiscal year (July 2008 through January 2009).

Projections still show that the number of complaints received could be the highest the board has ever received at 4,725 which is 21% higher than last year's record number of 3,900.

We have already exceeded the number of citations and fines issued this year at 51 over last years 35. Current projections show that we will exceed last year's number by 149%. It is anticipated that it will continue to increase as we better utilize this form of action for those cases which do not rise to the level of pursuing disciplinary action against a license.

It appears that all pleadings have decreased by a total of almost 23% while we are still on pace to refer the same number of cases to the Attorney General's Office this year as we did last year. We will begin looking more closely at our numbers to see if we can determine the cause for this decrease.

We will continue to closely monitor all Enforcement statistics as a result of implementing the Board's new fingerprint and conviction question requirements.

NEXT STEP:

Continue to monitor statistics due to the projected increase in workload to gather data for a possible budget change proposal in FY 2010/11.

**FINANCIAL IMPLICATION(S),
IF ANY:**

None at this time. We recently began implementing the conviction question on the renewal form and began implementing the fingerprint requirement in March 2009. Will provide updates at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Stacie Berumen, Enforcement Division Chief
(916) 574-7608

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
January 30, 2009

							Projected FY
DESCRIPTION	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09*	2008-09
Complaints Received	2,993	3,148	3,384	3,361	3,900	2,756	4,725
Referred to Diversion Program	225	256	311	367	332	218	374
Investigations Opened	1,132	2,401	2,312	1,917	2,754	1,853	3,177
Referred to Attorney General	391	331	562	314	436	256	439
Cases Pending at Attorney General	503	449	670	604	599	585	NA
Petitions to Revoke Probation Filed	30	21	36	44	74	30	51
Accusations Filed	338	216	270	336	404	187	321
Statements of Issues Filed	30	15	22	22	16	6	10
Total Pleadings	398	252	328	402	494	223	382
Orders to Compel Examination (Sec. 820)	8	11	7	5	6	3	5
Interim Suspension Order	3	4	2	3	1	0	0
Criminal Actions Filed	15	54	11	7	23	8	14
Licensee Disciplinary Actions:							
(a) Revocation	117	102	85	101	121	83	142
(b) Probation	149	137	110	120	131	99	170
(c) Suspension/Probation	2	0	3	6	10	8	14
(d) License Surrendered	49	49	36	67	73	47	81
(e) Public Reprimand/Reproval	12	5	8	9	3	4	7
(f) Decisions Other	0	6	2	3	1	2	3
Total, Licensee Discipline	329	299	244	306	339	243	417
Total Cite and Fine Citations Issued*	17	34	1	17	35	51	87
Applicant Disciplinary Actions:							
(a) License Denied	0	25	10	7	17	17	29
(b) License Issued on Probation	19	15	10	15	10	3	5
Total, Applicant Discipline	19	40	20	22	27	20	34
Process Used for Discipline (licensees)							
(a) Administrative Hearing	58	50	34	44	38	31	53
(b) Default Decision	82	73	63	76	101	72	123
(c) Stipulation	189	176	147	186	200	140	240
Total	329	299	244	306	339	243	417

*Fiscal Year to Date

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.2

DATE: April 3, 2009

ACTION REQUESTED: Information Only: Diversion Program Update and Statistics

REQUESTED BY: Carol Stanford, Diversion Program Manager

BACKGROUND:

Program Update

The Diversion Program Managers (DPMs) continue to meet with Maximus on a monthly basis in order to maintain contract compliance, continuity in the program, and to discuss testing and survey results. In February 2009, First Lab entered into an agreement with Maximus to provide drug screening for Diversion Program Participants. Compass Vision is no longer providing this service for the Diversion Program. We have not received any information regarding any issues or complaints surrounding the transition. BRN staff will continue to monitor this transition.

Pursuant to SB1441, the Substance Abuse Coordination Committee held its first public meeting on March 3, 2009. Various staff from the Board and the DPM attended the meeting and provided a written summary regarding the BRN's Diversion Program. The focus of this meeting was to gain a historical perspective of the allied health boards Diversion Programs; define issues surrounding substance abuse, identify potential public harm as well as to gather public comment on the various topics that were presented. Additionally, various speakers presented information that included a first hand account of successfully completing a diversion program, results from a state agency drug and alcohol program, information from a public interest perspective, and physicians from several hospitals and schools also presented their perspectives. The next meeting has been scheduled for May 18, 2009.

Contract Update

The Diversion Program Committee, DPC, continues to meet to develop a new Request for Proposal (RFP) for the Diversion Program contract. Upon completion, the RFP will be available for interested parties on the Department of General Services Web site at www.dgs.ca.gov.

Diversion Evaluation Committees (DEC)

There are currently seven vacancies as follows: four physicians and three registered nurses. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for December 2008 through January 2009. As of January 31, 2009 there were 1,362 successful completions in the Diversion Program.

NEXT STEP: None

**FINANCIAL IMPLICATION(S),
IF ANY:**

None

PERSON TO CONTACT:

Carol Stanford, Diversion Program Manager
(916) 574-7616

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
December 2008 and January 2009**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	35	124	3,816
INTAKE INFORMATION			
Female	25	94	3,015
Male	10	30	801
Average Age	30-34 & 45-49		
Most Common Worksite	Hospital		
Most Common Specialty	Medical/Surgical		
Most Common Substance Abused	Alcohol/Hydrocodone		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	20	76	2,537
Mental Illness (only)	1	2	137
Dual Diagnosis	14	46	1,103
Undetermined	0	0	39
REFERRAL TYPE*			
Self	22	55	2,540
Board	13	69	1,276
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	0	1	69
African American	2	2	119
Hispanic	2	3	127
Native American	0	1	24
Pacific Islander	0	1	10
Caucasian	30	115	3,135
Other	1	1	57
Not Reported	0	0	275
CLOSURES			
Successful Completion	11	43	1,362
Failure to Derive Benefit	0	2	98
Failure to Comply	1	13	871
Moved to Another State	0	0	54
Not Accepted by DEC	0	0	36
Voluntary Withdrawal Post-DEC	1	5	266
Voluntary Withdrawal Pre-DEC	1	10	379
Closed Public Risk	5	13	122
No Longer Eligible	0	0	8
Client Expired	0	1	32
TOTAL CLOSURES	19	87	3,228
NUMBER OF PARTICIPANTS: 479 (as of February 1, 2009)			

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.3

DATE: April 3, 2009

ACTION REQUESTED: Information Only: Diversion Evaluation Committee Member

REQUESTED BY: Carol Stanford, Diversion Program Manager

BACKGROUND:

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

(a) INFORMATION ONLY:

Diversion Evaluation Committee Member Resignation

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
David Laskin	Nurse	Bay Area	2

NEXT STEP: Continue recruiting efforts

**FINANCIAL IMPLICATION(S),
IF ANY:** None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 9.4

DATE: April 3, 2009

ACTION REQUESTED: Information Only: Probation Program Update and Statistics

REQUESTED BY: Carol Stanford, Diversion Program Manager

BACKGROUND:

Program Update

On March 2, 2009, Beth Scott started at the Board as the new Manager for the Probation Program. Beth comes from the Department of Corrections and Rehabilitation with over 20 years of experience in a variety of different areas. She also worked as the Enforcement Coordinator at the Speech/Pathology and Audiology Board. One of the duties of the position included monitoring probationers. She has been meeting with each of her staff to learn what they do and who they are. She is very excited to be here and we welcome her to the Board!

Statistics

Below are the current statistics for the Probation Program through March 9, 2009.

MALE	124
FEMALE	354
CHEMICAL DEPENDENCY CASES	255
PRACTICE CASES	164
SOUTHERN CALIFORNIA	247
NORTHERN CALIFORNIA	231
PENDING AT THE AG	82
ADVANCED CERTIFICATES	38
REVOKED OR SURRENDERS (Jan. – March 2009)	5
TOTAL IN-STATE PROBATIONERS	478

NEXT STEP: None

**FINANCIAL IMPLICATION(S),
IF ANY:** None

PERSON TO CONTACT: Carol Stanford, Diversion Program Manager
(916) 574-7616